

IN THE COURT OF APPEALS
FIRST APPELLATE DISTRICT OF OHIO
HAMILTON COUNTY, OHIO

STATE OF OHIO,	:	APPEAL NOS. C-090063
		C-090054
Plaintiff-Appellee,	:	TRIAL NOS. B-0806813A
		B-0808074
vs.	:	
		<i>JUDGMENT ENTRY.</i>
KENNETH GREEN,	:	
Defendant-Appellant.	:	

We consider this appeal on the accelerated calendar, and this judgment entry is not an opinion of the court.¹

As part of a plea agreement, defendant-appellant, Kenneth Green, pleaded guilty to one count of having weapons while under a disability² and one count of trafficking in marijuana.³ The trial court sentenced him to serve a total of five years' incarceration.

In a subsequent case, Green pleaded guilty to one count of burglary.⁴ The trial court sentenced him to one year of imprisonment, to be served concurrently with the sentence in the previous case.

As provided in *Anders v. California*,⁵ Green's appointed counsel has advised this court that, after a thorough review of the record, he can discern no arguable

¹ See S.Ct.R.Rep.Op. 3(A), App.R. 11.1(E), and Loc.R. 12.

² R.C. 2923.13(A)(3).

³ R.C. 2925.03(A)(2).

⁴ R.C. 2911.12.

⁵ (1967), 386 U.S. 738, 87 S.Ct. 1396.

assignments of error to present on appeal. He has advised Green of this determination, and he has included some possible errors raised by Green in his brief. Green's counsel now asks this court to conduct an independent review of the record to determine whether the proceedings below were free from prejudicial error.⁶ He has also filed a motion to withdraw as Green's counsel.

After reviewing the entire record, we are satisfied that Green's counsel has provided his client with a diligent and thorough search of the record and that he has correctly concluded that the proceedings below were free from prejudicial error.⁷ We hold that no grounds exist to support a meritorious appeal. Therefore, we affirm the trial court's judgment and overrule counsel's motion to withdraw. We find the appeal to be frivolous under App.R. 23 and R.C. 2505.35, but refrain from taxing costs and expenses against Green because he is clearly indigent.

Further, a certified copy of this judgment entry shall constitute the mandate, which shall be sent to the trial court under App.R. 27. Costs shall be taxed under App.R. 24.

HILDEBRANDT, P.J., CUNNINGHAM and DINKELACKER, JJ.

To the Clerk:

Enter upon the Journal of the Court on December 2, 2009
per order of the Court _____.
Presiding Judge

⁶ See *State v. Dorsey*, 1st Dist. No. C-070147, 2007-Ohio-5869; *State v. Mackey* (Dec. 17, 1999), 1st Dist. No. C-990302; *Freels v. Hills* (C.A.6, 1988), 843 F.2d 958.

⁷ See *Penson v. Ohio* (1988), 488 U.S. 75, 109 S.Ct. 346; *Dorsey*, supra.